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Note verbale dated 24 January 2014 from the Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations at Geneva and other international organizations in Switzerland presents its compliments to the secretariat of the Human Rights Council, and has the honour to request it to circulate the letter enclosed* dated 6 January 2014, on the national report of Eritrea within the context of the universal periodic review, and addressed to the President of the Human Rights Council, Ambassador Baudelaire Ndong Ella, and to post it on the extranet as a document of the twenty-fifth session of the Council.

* Circulated as received, in the language of submission only.

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Annex

[Original: English]

Excellency,

I have the honor to congratulate you on your election to the Presidency of the United Nations Human Rights Council for the year 2014.

I would like to draw your attention to the second cycle UPR National Report of the State of Eritrea due to be considered during the 18th Session of the UPR Working Group (A/HRC/WG.6/ERI/1.).

As Your Excellency is fully aware, the UN General Assembly, in establishing the Human Rights Council and the UPR laid important principles and rules governing the mechanism. Accordingly, the UPR is a cooperative mechanism that functions on the basis of an interactive dialogue. It shall be conducted in a constructive, non-confrontational and non-politicized manner (A/RES/60/251, A/HRC/RES 5/1 and A/HRC/RES/16/21). Furthermore, and in accordance with A/RES/65/281, the UN General Assembly directed that the second cycle UPR report of a state should focus on the implementation of accepted recommendations and the developments in the human rights situation in the state under review.

The National Report of the State of Eritrea, however, is prepared and submitted to the Council in total disregard to these principles and rules. The Report under paragraphs 84, 91 and 92, contains a false allegation against Ethiopia. Contrary to the unfounded and baseless allegation contained in the Report, Ethiopia does not occupy any part of Eritrea's territory. I am confident Your Excellency is well aware that Ethiopia has accepted the delimitation decision of the Boundary Commission. It has also expressed its readiness to peacefully resolve all remaining differences with Eritrea, including the finalization of the demarcation of the boundary between the two countries through dialogue. Eritrea's response has been further acts of destabilization of the region.

It is true that Eritrea is under UN Security Council sanctions for its acts of destabilization of the region and support to terrorist groups following a request from the Heads of State and Government of IGAD and the African Union. Pursuant to the most recent July 2013 Report of the Monitoring Group of the Security Council, Eritrea has continued to train, arm and financially support terrorist groups in our region. It should also be recalled that the Eritrea- Ethiopia Claims Commission found Eritrea liable for violating Article 2, paragraph 4, of the Charter of the United Nations by resorting to armed force in 1998 and occupying territory under peaceful administration by Ethiopia. Furthermore, Eritrea has violated the cessation of hostility agreement signed with Ethiopia following the end of the war, and created insurmountable obstacles, which forced the termination of the work of the UN Peacekeeping Mission in Eritrea and Ethiopia.

The Human Rights Council has also passed resolutions condemning Eritrea for its grave and systematic violations of human rights and re-appointed the Special Rapporteur on the human rights situations in Eritrea.

It is thus clear that the abovementioned paragraphs of the Report violate the principles and rules laid down by the General Assembly and the Human Rights Council. The UPR Report should, therefor, should focus solely on human rights issues and that the UPR Working Group is not a competent body to discuss bilateral issues of political nature contained in Eritrea's Report. If Eritrea is allowed to misuse the UPR, this would ultimately undermine the principles and the goals of the mechanism, the credibility of the UPR as a

whole and create unacceptable precedent with the capacity of derailing what has been hailed as the best example of cooperation and dialogue in the field of human rights.

The National Report of the State of Eritrea also defeats the objectives of the Review, which is expected to focus on the improvement of the human rights situation on the ground and the fulfillment of the State's human rights obligations and commitments, and assessment of positive developments and challenges faced by the State. Instead, Eritrea's Report seeks to externalize its own failures to live up to the universally accepted human rights obligations under the various international human rights instruments and seriously undermines the objectives of the Review. It is a deliberate attempt to transform a cooperative and universal system into a confrontational platform and escape scrutiny from the Human Rights Council.

The baseless allegations made against Ethiopia in the Report cannot be allowed to stand as this would seriously challenge the procedures of the Human Rights Council. Ethiopia cannot accept the welcoming of the Report by the Council as it is submitted in a deliberate manner to distort facts and in complete disregard to the principles and objectives of the UPR. It would not also serve the advancement of human rights in Eritrea. In fact, it is would amount to an injustice to victims of grave violations of human rights in Eritrea, and allowing Eritrea to flout rules scrupulously abided by all Members of the United Nations. This goes beyond legitimate sensitivities of countries as it targets the whole UPR Mechanism as a paramount human rights system. Indeed, any inadvertent failure to rectify Eritrea's mischievous attempt to find excuses to justify its human rights violations would amount to condoning its unacceptable practices, and would have enormous implications for the future of the UPR Mechanism. It is thus critical to ensure that the National Report is revised accordingly before it is submitted for consideration by the UPR Working Group. I would, therefore, kindly request Your Excellency to take appropriate measures to direct the State of Eritrea to comply with UN General Assembly and the Human Rights Council Resolutions to expunge the abovementioned paragraphs from the Report.

Please accept, Excellency, the assurances of my highest consideration.

Minelik Alemu Getahun
Ambassador Extraordinary and Plenipotentiary
Permanent Representative